

Federal Bureau of Investigation

Washington, D.C. 20535

April 27, 2023



FOIPA Request No.: 1572488-000 Subject: BIEMILLER, ANDREW JOHN

Dear Mr. Scheer:

The FBI has completed its review of records subject to the Freedom of Information/Privacy Acts (FOIPA) that are responsive to your request. The enclosed documents were reviewed under the FOIPA, Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

	Section 552		Section 552a
(b)(1)		(b)(7)(A)	(d)(5)
(b)(2)		(b)(7)(B)	☐ (j)(2)
(b)(3)		(b)(7)(C)	☐ (k)(1)
		(b)(7)(D)	(k)(2)
		(b)(7)(E)	(k)(3)
		(b)(7)(F)	☐ (k)(4)
(b)(4)		(b)(8)	(k)(5)
(b)(5)		(b)(9)	(k)(6)
(b)(6)			☐ (k)(7)

7 pages were reviewed and 7 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

Based on the information you provided, we conducted a main and reference entity record search of the Central Records System (CRS) per our standard search policy. For more information about records searches and the standard search policy, see the enclosed FBI FOIPA Addendum General Information Section.

This is the **final release** of information responsive to your FOIPA request. This material is being provided to you at no charge.

Records that may have been responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA), Title 44, United States Code, Section 3301 as implemented by Title 36, Code of Federal Regulations, Part 1228; Title 44, United States Code, Section 3310 as implemented by Title 36, Code of Federal Regulations, Part 1229.10.

A record that may be responsive to your Freedom of Information/Privacy Acts (FOIPA) request has been transferred to the National Archives and Records Administration (NARA). If you wish to review these records, submit a Freedom of Information Act (FOIA) request to NARA, Special Access and FOIA, 8601 Adelphi Road, Room 5500, College Park, MD 20740-6001. Please reference the following file numbers:

100-HQ-13124-A 100-HQ-268231 62-HQ-26832-A 100-HQ-424893 63-HQ-5327-A 100-HQ-3-36 100-HQ-33049 61-HQ-570 100-HQ-360934

100-HQ-347279

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Joseph E. Bender, Jr. Acting Section Chief

Record/Information Dissemination Section

Information Management Division

Enclosures

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) Intelligence Records. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) Requests for Records about any Individual—Witness Security Program Records. The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) Requests for Confidential Informant Records. The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C.§ § 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C.§ 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) Record Searches and Standard Search Policy. The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.
 - a. *Main Entity Records* created for individuals or non-individuals who are the subjects or the focus of an investigation
 - b. Reference Entity Records- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Foreseable Harm Standard.** As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.
- (iv) Requests for Criminal History Records or Rap Sheets. The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.edo.cjis.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence:
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

September 15, 1964

ANDREW BIEMILLER

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The following information regarding Andrew John Biemiller who was born July 23, 1906, at Sandusky, Ohio, may pertain to the subject of your inquiry.

Andrew John Biemiller was investigated by the FBI in 1951 under the provisions of Executive Order 9835 at the request of the Civil Service Commission.

Mr. Biemiller graduated from Cornell University in 1926. He managed the presidential campaign of Norman Thomas, a socialist, in 1932 in the Middle Atlantic States. In 1933 he became the Educational Director of the Socialist Party in Milwaukee County, Wisconsin. Mr. Biemiller was elected to the U. S. House of Representatives from the Fifth District of Wisconsin in 1944 and 1948. He was employed by the Americans for Democratic Action in Washington, D. C., during 1947 and 1948.

Mr. Louis Waldman in a 1944 book entitled "Labor Lawyer'described the national Socialist Party convention held in Detroit, Michigan, on May 31, 1834, and identified Andrew Biemiller . as a member of a committee which reported the following resolution to the convention: "War eannot be tolerated by Socialists, or preparedness for war.... They will leyally support, in the tragic event of war, any of their comrades who for anti-war activities or refusal to perform war service, come into conflict with public opinion or the law. . . . They will refuse collectively to sanction or support any international war; they will, on the ecutrary, by agitation and opposition, do their best not to be breken up by the war, but to break up the war. They will meet war and the detailed plans for yar 28/89-already mapped out by the war-making arms of the governments SFP 22 by massed war resistance, organized so far as practicable in a general strike of labor unions and professional groups in a unitedeffort to make the waging of war a practical impossibility and to convert the capitalist war erisis into a vistory for Socialism. . . . (inclosicalist Party) unbesitatingly applies itself to the task of replacing the bogus democracy of capitalist perlamentarianism by

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On April 6, 1951, Mrs. Dorothy Hartman Goff advised she joined the Communist Party in the latter part of 1934 at a meeting of Communist Party members in the apartment of Andrew Biemiller, 1958 North 20th Street, Milwaukee, Wisconsin. She advised she received her Communist Party membership card but that Andrew Biemiller was not present in his apartment at this time. She advised Mrs. Andrew Biemiller was present at the meeting; however, Mrs. Goff did not know whether or not Mr. and Mrs. Biemiller were members of the Communist Party.

Mr. Oliver Kenneth Goff advised on April 6, 1951, that he was a member of the Communist Party from May 2, 1936, until October 9, 1939. Mr. Goff stated that during 1936 and 1937 he observed Eugene Dennis, Communist Party leader in Wisconsin, conferring on two occasions with Andrew Biemiller, whom Mr. Goff described as a leader in the Socialist Party of Wisconsin.

In 1940 the Commonwealth College, Mena, Arkansas, was closed, and local authorities seized college records which listed the names and addresses of students, teachers, maintenance workers and friends of the college. This index contained a card bearing the name of "Prof. Andrew Biemiller, 714 West Wisconsin Avenue, Milwaukee, Wisconsin." The Commonwealth College was designated on April 21, 1949, by the Attorney General as a communist organization within the purview of Executive Order 9835.

Mrs. was employed as a home secretary to Congressman Andrew Biemiller from the Fall of 1948 until the Fall of 1949. Mrs. from March, 1946, to June, 1947, was a member of the American Youth for Democracy (AYD). The AYD is an organization designated by the Attorney General pursuant to Executive Order 10450.

Mr. Biemiller was an applicant for Industrial Specialist, Department of Commerce, Washington, D. C. By letter dated August 16, 1951, the Civil Service Commission advised that Andrew Riemiller was "eligible on loyalty." On February 12, 1954, the Civil Service Commission further advised that Biemiller "resigned May 27, 1952."

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Andrew John Biemiller

massed war resistance, organized so far as practicable in a general strike of labor unions and professional groups in a united effort to make the waging of war a practical impossibility and to convert the capitalist war crisis into a victory for Socialism... It (the Socialist Party) unhesitatingly applies itself to the task of replacing the bogus democracy of capitalist parliamentarianism by a genuine workers' democracy."

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By communication dated August 16, 1951, the CSC advised that Andrew John Biemiller was eligible on loyalty regarding employment by the U. S. Government. (121-28189)

The fingerprint files of the Identification Division of the FBI contain no arrest data identifiable with captioned individual based upon background information submitted in connection with this name check request.

121 15189-44

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September 30 1969

ANDREW JOHN BIEMILLER SUMMON!

Andrew John Biemiller, who was born on July 23, 1906, at Sandusky, Ohio, was the subject of a Loyalty of Government Employees investigation conducted by the FBI in 1951. This investigation was requested by the Civil Service Commission (CSC) and was based on information in their files indicating that Mr. Biemiller's name appeared in files found on the premises of Commonwealth College, Mena, Arkansas, and that Dorothy Hartman Goff, an admitted former member of the Communist Party (CP), claimed that she had joined the CP in 1934 in Mr. Biemiller's apartment in Milwaukee. Commonwealth College has been cited pursuant to 6805 Clenbrook Rd. Executive Order 10450.

Our inquiries revealed that Mr. Biemiller graduated Bethesda from Cornell University in 1926 and subsequently managed the presidential campaign of Norman Thomas, a socialist, in 1932 in the Middle Atlantic States. In 1933 Mr. Biemiller became the Educational Director of the Socialist Party in Milwaukee County, Wisconsin.

Mr. Louis Waldman in a 1944 book entitled "Labor Lawyer" described the national Socialist Party convention held in Detroit, Michigan, on May 31, 1934, and identified Andrew Biemiller as a member of a committee which reported the following resolution to the convention: "War cannot be tolerated by Socialists, or preparedness for war... They will loyally support, in the tragic event of war, any of their comrades who for anti-war activities or refusal to perform war service, come into conflict with public opinion or the law... They will refuse collectively to sanction or support any international war; they will, on the contrary, by agitation and opposition, do their best not to be broken up by the war, but to break up the war. They will meet war and the detailed plans for war aiready mapped out by the war-making arms of the government, by NOTE: Per request of John D. Ehrlichman, Counsel to the President.

JCF:cle (7)

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September 30, 1889

BY LIABOR

Monoscolie John D. Electichman Council to the President The Thile House Washington, D. C.

Dear Mr. Ehellelman:

Reference is made to your name check request concerning Andrew John Biemiller and some other Individuals.

The central files of the FBI reveal no pertinent derogatory information concerning

The Angerprint files of the Edentification Division of the FBI contain no avrest data identifiable with the above individuals based upon background information submitted in connection with this name check request.

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